

FILE COPY

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

ANTHONY P. DALTON, M.D.

Respondent

ORDER DENYING PETITION

On December 14, 1995, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended for a period of not less than four years, with provision for successive three-month stays of the suspension conditioned upon compliance with certain conditions and limitations on the license. Among these were that respondent participate in a recognized program for the treatment of chemical dependency, that he participate in individual and/or group therapy a minimum of once each month, that he submit to random urine screens for the presence of alcohol and controlled substances, and that he provide for quarterly written reports from his supervising physician or therapist and the monitoring program. The effective date of the board's Order was December 14, 1995.

On January 24, 1996, the board found probable cause to believe that on December 30, 1995, respondent was arrested in La Crosse, Wisconsin for operating a motor vehicle while intoxicated, and that he had thereby violated the terms of the Final Decision and Order of the December 14, 1995, Order. It was therefore ordered that the stay of suspension of the license be terminated, and his license was suspended, effective January 30, 1996.

By letter dated February 8, 1996, respondent petitioned the board for reinstatement of the stay of suspension of his license. Respondent appeared before the board in support of the petition on February 22, 1996, and the board denied the petition by its Order dated March 1, 1996.

By letter dated January 9, 1997, respondent again requested reinstatement of the stay of suspension of his license, and he appeared before the board at its meeting of January 23, 1997, in support of his request. The board considered the matter on that date, and denied the request by its Order dated February 3, 1997.

By letter dated March 3, 1997, Dr. Dalton once more petitioned for stay of the suspension of his license, and he once more appeared before the board in support of the petition at the board's meeting of April 23, 1997. The board considered the petition on that date and orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Anthony P. Dalton, M.D., for a stay of the suspension of his license be, and hereby is, denied.

DISCUSSION

In its Order Denying Petition dated February 3, 1997, the board commented as follows:

In denying Dr. Dalton's last previous petition for a stay, the board concluded: "Dr. Dalton must demonstrate some significant period of compliance with the program required by the board's December 14, 1995, Final Decision and Order before it will be comfortable in reissuing a stay of suspension." One of the requirements of that Order is that Dr. Dalton participate in a program of random, witnessed monitoring of his urine, blood or hair for the presence of alcohol and controlled substances. At his appearance before the board, Dr. Dalton disclosed that since the board's Order Imposing Suspension dated January 30, 1996, he has not submitted to a single urine screen. Accordingly, his petition must be denied.

It appears that Dr. Dalton has finally come into compliance with the drug screen requirement, but he continues in his noncompliance as to the requirement for therapy. The board's December 14, 1995, Final Decision and Order requires as follows under the heading "REHABILITATION, MONITORING AND TREATMENT":

Therapy. The rehabilitation program shall include and respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension on a schedule as recommended by the supervising physician or therapist, *but not less than monthly*. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and the written recommendation by the supervising physician or therapist expressly supporting the modifications sought. A denial of such petition for modification shall not be deemed a denial of the license under secs. 227.01 (3) or 227.42, Stats., or ch. RL 1, Code, and shall not be subject to any right to further hearings or appeal (emphasis provided).

It is probable that had Dr. Dalton complied with the original board order, the therapy requirement would by now have been reduced or eliminated. Such is not the case, however, and the requirement for monthly therapy remains in place. The board therefore has no alternative but to iterate its previous position: *Dr. Dalton must demonstrate some significant period of compliance with the program required by the board's December 14, 1995, Final Decision and Order before the board will be comfortable in reissuing a stay of suspension.*

Dated this 5th day of May, 1997.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by Glenn Hoberg M.D.
Glenn Hoberg, D.O., Secretary

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Anthony P. Dalton, M.D.,

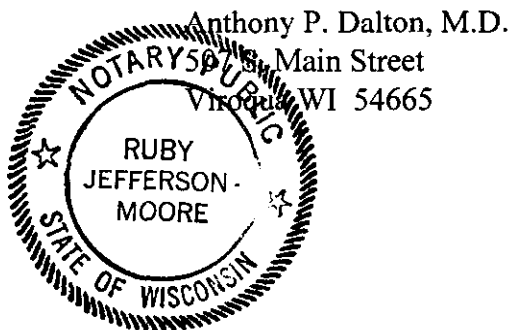
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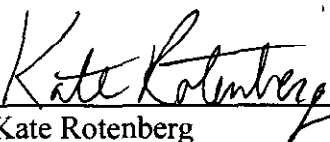
Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On May 9, 1997, I served the Order Denying Petition dated May 5, 1997 upon the Respondent Anthony P. Dalton, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 374 224.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:

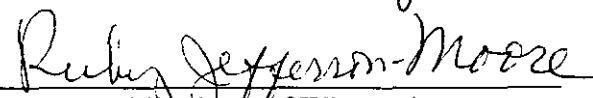




Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 9th day of May, 1997.



Notary Public, State of Wisconsin
My commission is permanent.